



# Addiction Research and Treatment

BAART

San Mateo Clinic

795 Willow Rd - Bldg 332

Menlo Park, CA 94025

[www.baartprograms.com](http://www.baartprograms.com)

Telephone (650) 324-1470

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January 29, 2015

Angela Garner  
Deputy Director  
Division of State Demonstrations and Waivers  
Center for Medicaid and CHIP Services, CMS  
7500 Security Boulevard, Mail Stop S2-01-16  
Baltimore, MD 21244-1850

**Re: Proposed California Amendment to Bridge to Health Reform Demonstration  
(No. 11-W-00193/9), Drug Medi-Cal Organized Delivery System Waiver**

Dear Ms. Garner:

I write on behalf of the 425 patients who receive substance use disorder treatment services at our opiate treatment program located at 795 Willow Rd. Bldg. 332, Menlo Park, CA 94025. Our program was open on December 15, 2011 with 200 patient transferred from the methadone clinic managed by San Mateo County. Currently, our clinic employs 25 staff members who provide critically needed services to hundreds of patients living and working in San Mateo, Santa Clara, and Alameda Counties. In addition to providing opioid replacement therapy, BAART San Mateo plays an active role in culturally diverse community of Silicon Valley by connecting underserved patients with community resources and offering trauma-informed and culturally sensitive treatment to those who otherwise would have stayed outside the health care system.

We are strongly opposed to sections of the California Bridge to Reform Demonstration (No. 11-W-00193/9) Amendment for Drug Medi-Cal Organized Delivery System Waiver, submitted by the California Department of Health Care Services. Our concern, based on 3 years of program operation, is that waiving federal access protections and granting San Mateo County authority to establish reimbursement rates will result in decreased access to critical, life-saving treatment services to residents of San Mateo County and neighboring communities.



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Specifically, the current proposal will waive beneficiary freedom of choice, equality in amount, duration and scope, state wideness and reasonable promptness, some of which formed the basis of a lawsuit 20 years ago called Sobky Vs. Smoley. Thankfully, after the lawsuit, significantly more people received access to treatment. Now, beneficiaries can access medically-necessary treatment on demand, without the waiting lists that were standard practice before the lawsuit. This waiver is likely to overturn that lawsuit and cause California, the County of San Mateo and neighboring counties to regress back more than 20 years.

Health care reform (the Affordable Care Act) has significantly increased access to OTP services. This waiver will undermine the intent of the ACA. After twenty years of success, California's proposed Organized Delivery System would now give back primary responsibility to choose providers, to set rates, and to control access to narcotic treatment programs to all California counties, including those that illegally denied care for many years.

We ask that CMS **NOT** do anything that may undermine the permanent injunction that was based on overwhelming evidence of counties' efforts to limit access. Instead, we suggest CMS require California to carve-out opiate treatment providers from this waiver. Such carve-out will not preclude San Mateo County from contracting with our program and offering OTP services to its residents.

In summary, BAART San Mateo requests that narcotic treatment programs be exempted from the Organized Delivery System waiver for the above stated reasons.

If you would like more information, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

Lubov Belova, MA, LMFT

Clinic Director